IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27732 of 2008

1. SURESH SADA S/O RABI SADA
2. BABLU SADA S/O SURESH SADA

BOTH RESIDENT OF VILALGE-LAKSHMINIA, P.S.-GANGAUR, DISTRICT- KHAGARIA

Versus

THE STATE OF BIHAR

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3 12/11/2008 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused of a case which has been registered under sections 307, 353, 308 and some other sections of the Indian Penal Code, section 27 of the Arms Act and section 17 of the Criminal Law Amendment Act.

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Allegation is that there was exchange of fire between the police and extremists and on account of firing one Ranbir Sada @ Arbind Sada was killed and some others have received injury. Petitioner Bablu Sada was arrested in injured condition and on his disclosure name of others transpires.

Submission is that this is a case of firing by the police upon the villagers. There was no firing on behalf of the accused persons as there was no injury to any of the police party. No case under section 307 of the Indian Penal Code is made out. The petitioners are in jail since 24.2.2008.

Considering the facts and circumstances of the case, the petitioners Suresh Sada and Bablu Sada are directed to be released on bail on furnishing of bail bonds of Rs. 10,000/- (ten thousand) each

with two sureties of the like amount each to the satisfaction of the C.J.M., Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 88 of 2008.

avin **(Shyam Kishore Sharma, J.)**

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